

ATTORNEY DOCKET NO. PHN 16,974
U.S. SERIAL NO. 09/329,391
PATENT

REMARKS

Claims 1-8 are pending in the present application.

Claims 1-8 have been rejected.

Claims 1-8 remain in the case.

Reconsideration of Claims 1-8 is respectfully requested.

35 U.S.C. § 102 (Anticipation)

On Pages 2-3 of the September 30, 2002 Office Action the Examiner rejected Claims 1-8 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,420,866 to *Wasilewski*. The Applicants respectfully traverse this rejection.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

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Independent Claims 1, 3, 5 and 7 each recite that the multiplex signal comprises
“a periodically repeated plurality of modules each comprising at least one object.” Claim 1 reads:

1. A transmission system for transmitting a multiplex signal from a transmitter to a receiver, said multiplex signal comprising a periodically repeated plurality of modules each comprising at least one object, the receiver comprising extracting means for extracting objects from the multiplex signal, wherein the extracting means are embodied so as to extract the objects in dependence on module related information present in the multiplex signal. (Emphasis added).

The Applicants respectfully submit that the *Wasilewski* reference does not disclose or suggest
“a periodically repeated plurality of modules.” The Examiner stated that “Multiplex signal 68 is a periodic signal because said signal carries Program Map Table (PMT) to each decoder (see col. 10 lines 8-30).” (September 30, 2002 Office Action, Page 2, Line 10 of Paragraph 3 to Page 3, Line 1). The *Wasilewski* reference states that a Program Map Table (PMT) is provided to each decoder (*Wasilewski*, Column 10, Lines 11-14). The Program Map Table 68 of *Wasilewski* comprises a plurality of modules but not a periodically repeated plurality of modules to an individual decoder. *Wasilewski* sends Program Map Table 68 to a decoder only once. There is no need to send additional transmissions of the Program Map Table 68. There is no indication that *Wasilewski* periodically repeats the transmission of Program Map Table 68 to a decoder. Each decoder in the *Wasilewski* system gets a single transmission of the Program Map Table 68. Therefore, *Wasilewski* does not disclose, suggest or even hint at the concept of a periodical repetition of a plurality of modules.

Wasilewski provides decryption information to each decoder in each receiver. “As explained in the Background of the Invention, in accordance with most any encryption or scrambling technique,

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encryption related information must be provided to decoders in order to enable the decoders to decrypt or descramble the encrypted data." (*Wasilewski*, Column 9, Lines 37-41). This shows that *Wasilewski* uses the term "each decoder" to refer to each individual decoder in each individual receiver.

The Examiner also stated that "Wasilewski does show periodically repeated modules each comprising at least one object on Fig. 4 where module 72 (Program Definition 2) comprises at least one object 80 (Elementary Stream Definition 2)." (September 30, 2002 Office Action, Page 3, Lines 7-9 of Paragraph 4). The Applicants respectfully traverse this assertion of the Examiner. The Program Map Table 68 shown in Figure 4 of *Wasilewski* does show a plurality of modules but does not show that the plurality of modules are periodically repeated. In particular, Program Map Table 68 shows N modules 72 (Program Definition 1 through Program Definition N). But there is no showing that the N modules are periodically repeated.

In addition, Program Map Table 68 does not contain information regarding the extraction of objects from the "modules" of Program Map Table 68. Program Map Table 68 merely contains information regarding other streams being concurrently transmitted (e.g., on other frequencies or channels).

Claim 1 contains unique and novel subject matter and is patentable over the *Wasilewski* reference. Furthermore, independent Claims 3, 5 and 7 also contain the same unique and novel subject matter as Claim 1. This being the case, Claims 3, 5 and 7 are also patentable over the *Wasilewski* reference.

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Further, Claim 2 depends from Claim 1, Claim 4 depends from Claim 3, Claim 6 depends from Claim 5, and Claim 8 depends from Claim 7. Therefore, Claims 2, 4, 6 and 8 contain the unique and novel limitations contained in their respective independent claim. This being the case, the Applicants respectfully submit that Claims 2, 4, 6, and 8 are also patentable over the *Wasilewski* reference.

The Examiner also stated "Regarding claims 2, 4 and 6 *Wasilewski* discloses a transmission system (see rejection of claim 1 above) where module related information (Program Definition 2 on Fig. 4) is contained in a single information section (Program Number 74 on Fig. 4) of the transport stream 68." (September 30, 2002 Office Action, Page 3, Lines 8-10). The Applicants respectfully traverse this assertion of the Examiner. Program Definition 2 of Figure 4 is not contained within Program Number 74 of Figure 4. Program Definition 2 of Figure 4 extends beyond the limits of Program Number 74 of Figure 4. *Wasilewski* does not disclose the concept of placing module related information with a single information section. Therefore Claims 2, 4, 6 and 8 are patentable over the *Wasilewski* reference.

Therefore, the rejection of Claims 1-8 under 35 U.S.C. § 102 has been overcome. The Applicants respectfully request that the rejection of Claims 1-8 be withdrawn. The Applicants respectfully request that Claims 1-8 be passed to allowance.

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The Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. The Applicants reserve the right to submit further arguments in support of their above stated position as well as the right to introduce relevant secondary considerations including long-felt but unresolved needs in the industry, failed attempts by others to invent the invention, and the like, should that become necessary.

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SUMMARY

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at wmunck@davismunck.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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APPENDIX A

CURRENT VERSION OF CLAIMS

1. [Amended] A transmission system for transmitting a multiplex signal from a transmitter to a receiver, said multiplex signal comprising a periodically repeated plurality of modules each comprising at least one object, the receiver comprising extracting means for extracting objects from the multiplex signal, wherein the extracting means are embodied so as to extract the objects in dependence on module related information present in the multiplex signal.
2. [Amended] A transmission system according to Claim 1, wherein the module related information is contained in a single information section.
3. [Amended] A transmitter for transmitting a multiplex signal, said multiplex signal comprising a periodically repeated plurality of modules, the modules each comprising at least one object, wherein the transmitter is embodied so as to insert in the multiplex signal module related object extraction information.
4. [Amended] A transmitter according to Claim 3, wherein the module related object extraction information is contained in a single information section.
5. [Amended] A receiver for receiving a multiplex signal, said multiplex signal comprising a periodically repeated plurality of modules, the modules each comprising at least one object, the receiver comprising extracting means for extracting objects from the multiplex signal, wherein the extracting means are embodied so as to extract the objects in dependence on module related information present in the multiplex signal.
6. [Amended] A receiver according to Claim 5, wherein the module related information is contained in a single information section.
7. [Amended] A multiplex signal comprising a periodically repeated plurality of modules, the modules each comprising at least one object, wherein the multiplex signal further comprises module related object extraction information.
8. [Amended] A multiplex signal according to Claim 7, wherein the module related object extraction information is contained in a single information section.